

Remarks/Arguments:

Rejections Under 35 U.S.C. §112

Claims 22-25, 30, 33 and 35-43 stand rejected under 35 U.S.C. §112, second paragraph, as including vague terms. Applicants respectfully submit that while it is clear that the claims were clear as originally drafted, the claims as amended address the Examiner's concerns. Withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. §102 and §103

Claims 22-25, 30, 36-38 and 42 stand rejected under 35 U.S.C. §102 as anticipated by DE 197 50 977 (Karl-Heinz). Claims 33 and 35 stand rejected under 35 U.S.C. §103 as unpatentable over Karl-Heinz. Applicants traverse these rejections.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"To establish a *prima facie* case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." M.P.E.P. §2143. Additionally, as set forth by the Supreme Court in *KSR Int'l Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007), it is necessary to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the prior art elements in the manner claimed.

Independent claim 22 recites a "[b]rake-by-wire actuator for actuating the brake system of a motor vehicle, comprising a simulator which can be acted upon by a brake pedal, with an output signal of an actuation sensor being sent to an electronic control unit which controls a pressure source in response to the signal of the actuation sensor, and with an output of the pressure source that is connected to a distributor device for the brake force and actuates individual wheel brakes of the vehicle, also comprising means for enabling actuation of the brakes by muscular power within a fallback mode, wherein a first actuation component, defined by the brake pedal or a component articulated at the brake pedal, and a second actuation component that is connected downstream in the flux of force are configured relative to one another such that the first actuation component is freely moveable relative to the second actuation component in a direction toward the second actuation component such that a

lost travel is defined between the first and second actuation components in order to uncouple the first actuation component mechanically from the reactions of force of the motor vehicle brake system in a by-wire mode."

The Office Action cites to Karl-Heinz as teaching a lost travel defined by a first component associated with the brake and a second actuation component (identified as element 21). Applicants respectfully submit that Karl-Heinz fails to teach such.

Karl-Heinz discloses a brake-by-wire actuator whose brake pedal is connected with a plunger of the master cylinder over a two-part actuation piston under interconnection of a simulator. The position of the brake pedal is defined by the abutment of the first piston component (assigned to the brake pedal) on the second piston component (assigned to the plunger of the master cylinder). The first piston component (12a) is not freely moveable relative to the second piston component (12b) in a direction toward the second piston component (12b). Contrary thereto, the components 12a and 12b are in direct abutment such that any movement of first piston component 12a toward second piston component 12b causes direct movement of second piston component 12b with no lost travel is defined between them.

It is respectfully submitted that Karl-Heinz fails to teach or suggest each limitation of the claimed invention and that independent claim 22 is in condition for allowance. Claims 23-25, 30, 33 and 35-43 each depend from claim 22 and are therefore allowable for at least the reasons set forth above. Applicants respectfully submit that each of these dependent claims recites additional limitations not taught or suggested by the cited references. Claims 26-29, 31, 32 and 34 each depend from generic claim 22 and therefore should be reinstated and allowed.

It is respectfully submitted that each of the pending claims is in condition for allowance. Early reconsideration and allowance of each of the pending claims are respectfully requested.

Appln. No.: 10/520,683
Amendment Dated December 18, 2008
Reply to Office Action of September 18, 2008

PC10706US

If the Examiner believes an interview, either personal or telephonic, will advance the prosecution of this matter, the Examiner is invited to contact the undersigned to arrange the same.

Respectfully submitted,


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Dated: December 18, 2008

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